

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2 and 15 are canceled. Claims 9-11 and 14 are withdrawn. Claim 1 is currently being amended. After amending the claims set forth above, claims 1, 3-8, and 12-13 are now pending in this application.

Applicant requests that the examiner enter these amendments because no new matter has been added.

Rejection under 35 U.S.C. §102(b) and (e)

Claims 1, 3-4 are rejected under § 102(b) by Kagan et al. Additionally, claims 1, 3, 6, 13 are rejected as anticipated by Arrhenius et al., U.S. Patent 5,936,065. Both of the cited references, Kagan and Arrhenius, teach peptides that are only five amino acids in length. Therefore, Applicant has amended claim 1 to specify that the hydrophobic peptide sequence must be “at least seven amino acids in length.” This amendment is supported in the specification, for example, on page 17 in Table 2, which shows that all of the tested synthetic peptides are at least 7 amino acids in length.

Because the revised claims do not read on the prior art of record, including the publications cited in the last action, Applicant requests the withdrawal of the pending anticipation rejections. To avoid piecemeal prosecution, in keeping with MPEP §707.07 (g), Applicant further submits that the claims should be deemed allowable. Over some four years of active prosecution, the examiner has cited in succession references dealing with peptides that bind with T-cell epitopes (*Mozes*), with peptides that inhibit protein kinases or interfere with DNA binding (*Sitkovsky*), with peptides that inhibit binding between inflammatory cells and endothelial cells (*Arrhenius*), and with the oxidation of oligopeptides by lysyl oxidase (*Kagan*). None of these publications implicated a protein that binds a T-cell receptor, in keeping with the present invention. If anything, prosecution has progressed by virtue of

citations to the art that have been further and further afield of the claimed peptides. Applicant respectfully submits, therefore, that yet another foray into the prior art is unlikely to advance prosecution.

Accordingly, the examiner is asked to reconsider and withdraw the remaining rejections and to pass the claims to issuance. The examiner also is invited to contact the undersigned, should he feel that any issue requires further consideration.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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